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In re Application of WANG et al
U.S. Application No.: 09/331,818
Int. Application No.: PCT/US97/23771
Int. Filing Date: 23 December 1997
Priority Date: 26 December 1996
Attorney Docket No.: 6439

For: LAUNDRY DETERGENT COMPOSITIONS
WITH CELLULOSIC POLYMERS TO
PROVIDE APPEARANCE AND INTEGRITY
BENEFITS TO FABRICS LAUNDERED
THEREWITH

DECISION

This is in response to applicants' "Response to Dismissal for Petition to Revive" filed 08 November 2000.

BACKGROUND

On 23 December 1997, applicants filed international application PCT/US97/23771, which claimed priority of an earlier United States application filed 26 December 1996. A Demand for international preliminary examination, in which the United States was elected, was filed on 25 June 1998, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 June 1999.

On 25 June 1999, applicants filed national stage papers with the United States Designated/Elected Office (DO/EO/US) including, *inter alia*, the requisite basic national fee.

On 26 July 1999, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be submitted. Form PCT/DO/EO/905 set a one month period for response.

On 27 July 2000, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that international application PCT/US97/23771 is abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements mailed 26 July 1999.

On 11 August 2000, applicants filed a petition to revive the application under 37 CFR 1.137(b) along with an executed declaration.

On 13 October 2000, the PCT Legal Office of the USPTO dismissed the 11 August 2000 petition on grounds that the declaration lists a fifth joint inventor who was not listed in the international application.

On 08 November 2000, applicants filed the present response. The response states that it is accompanied by declarations in compliance with 37 CFR 1.497.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

Applicants have previously satisfied items (2), (3), and (4) above.


With regard to item (1), the declarations filed 08 November 2000 are in compliance with 37 CFR 1.497.

CONCLUSION

Having satisfied all the requirements for a petition under 37 CFR 1.137(b), the present petition is GRANTED.

This application has an international filing date of 23 December 1997 and a date under 35 U.S.C. 371 of 08 November 2000.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.


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